

**REMARKS**

Claims 10-28 are pending in the present application. Applicants traverse all rejections and amend claims 10, 17, and 20 in order to

In the Office Action mailed August 4, 2004, Examiner rejected claims 10-12 and 17-22, under 35 U.S.C. § 102(e) as being anticipated by van Nee (USPN 6,175,550). Furthermore, Examiner rejected claims 13-15 under 35 U.S.C. §103(a) as being unpatentable over van Nee. Claims 16 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Nee in view of Jung et al. (USPN 6,307,851).

Applicants respectfully respond to this Office Action.

***Claim Rejections – 35 USC § 102(a)***

Examiner rejected claims 10-12 and 17-22, under 35 U.S.C. § 102(e) as being anticipated by van Nee (USPN 6,175,550).

Van Nee does not teach or recite all elements and features of Applicants' claim 10, or any of Applicants' claims. Applicants claim 10, and all of Applicants' claims, includes the feature of a "multi-carrier forward link having a plurality of forward link frequency bins." As defined in Applicants' specification as originally filed each bin is directly spread with one code in the time domain (please see, for example, page 7 lines 5-17 and page 19, line 10 through page 22, line 2). Code spreading in the time domain and allocating frequency bins differently in the forward link and reverse links such that the bandwidths can be different as in Applicants' claims is distinct from the OFDM modulation as is taught in van Nee. In van Nee, the "control circuitry can dynamically scale the number of carriers below the upper limit on the number of carriers to decrease the signal bandwidth" (please see van Nee col. 1, line 65 to col. 2, line 2). Van Nee does not teach code spreading in the time domain but rather OFDM, in which signal generation is performed in the frequency domain. Therefore, Applicants' claim 10, and all of Applicants' claims are distinct and patentable over van Nee.

In order to highlight the above distinction and to expedite prosecution, Applicants amend independent claims 10, 17, and 20, and thereby all of Applicants' claims, to add the feature

“wherein the forward link frequency bins and the at least one reverse link frequency bins comprise signals obtained by code spreading in the time domain.”

***Claim Rejections – 35 USC § 103(a)***

Examiner rejected claims 13-15 under 35 U.S.C. §103(a) as being unpatentable over van Nee. Claims 16 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Nee in view of Jung et al. (USPN 6,307,851).

Claims 13-15 are novel and patentable over van Nee. As discussed above, van Nee does not teach or recite all elements and features of Applicants' claim 13-15. Specifically, van Nee teaches OFDM and Applicants' claims teach frequency bins comprising signals code spread in the time domain.

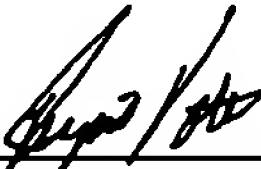
Claims 16 and 23-28 are also novel and patentable over van Nee in view of Jung. As discussed above van Nee teaches OFDM. Jung teaches MC-CDMA in which codes are applied in the frequency domain. Please see Jung col. 4, line 35 through col. 5, line where “subscriber-specific signature code sequences” are applied prior to an inverse discrete Fourier transform. Therefore, van Nee in combination with Jung does not teach all elements of Applicants' claims - specifically, frequency bins comprising signals code spread in the time domain.

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: November 3, 2004

By:   
Rupit Patel, Reg. No. 53,441  
(858) 651-7435

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502